IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15587 of 2006
Date of Decision: 30.05.2007

Randhir Singh

.....Petitioner through
Mr. S.S.Swaich,
Advocate

versus

State of Punjab and another

.....Respondents through
Mr. A.G.Masih, Sr. DAG
Punjab and
Mr. Ashok Aggarwal,
Sr. Advocate with
Mr. Mukul Aggarwal and
Mr. J.S.Gill, Advocates

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN,
CHIEF JUSTICE
HON'BLE MR. JUSTICE MAHESH GROVER

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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Vijender Jain, Chief Justice (Oral)

In the counter affidavit filed by Harbans Singh Gill, Additional Director Panchayats, Department of Rural Development and Panchayats,

Punjab, Chandigarh, it has been stated that according to Section 5 of the Punjab Village Common Lands (Regulation) Rules, 1964, a Panchayat if it is of the opinion that it is necessary for the benefit of inhabitants of the village, then it may with the prior approval of the Government, transfer any land of shamilat deh by exchange with the land of an equivalent value.

The Gram Panchayat, Sukhgarh, Block Kharar, District SAS Nagar passed a resolution on 5.8.2006 in which it has been stated that the Gram Panchayat has no source of income because the fishing pond was not leased out due to lack of enough water and this fishing pond is the only source of income of Gram Panchayat. Therefore, the Gram Panchayat, Sukhgarh decided to exchange its 106 Kanals 18 Marlas land with the cultivable 107 Kanals 10 Marlas land in the adjoining village Raipur Khurd which belongs to Country Colonizer Private Limited and sent this proposal to Block Development and Panchayat Officer, Kharar. Block Development and Panchayat Officer, Kharar recommended the proposal to District Development and Panchayat Officer, SAS Nagar. Thereafter, District Development and Panchayat Officer, SAS Nagar vide his letter No. 2229 dated 27.09.2006 further recommended this proposal alongwith his comments to Divisional Deputy Director, Panchayats, Patiala Department of Rural Development and Panchayats, Punjab and Divisional Deputy Director, Panchayats, Patiala Department of Rural Development and Panchayats, Punjab vide his letter No. 3499 dated 9.10.2006 further recommended this proposal to the Director, Rural Development and Panchayats, Punjab and this proposal is now under consideration with the Government and it will be decided in accordance with law.

For the last two dates of hearing, counsel for the respondents is seeking time for the State to take final decision in the matter.

We direct the respondents to pass a final order in this regard in accordance with law within a period of four weeks from the date of the receipt of copy of this order after taking into consideration all the relevant aspects of the matter.

Petition stands disposed of.

(VIJENDER JAIN)
CHIEF JUSTICE

(MAHESH GROVER)
JUDGE

30.05.2007
'ravinder'